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TAGS: PGOV PREL PTER PHUM KJUS CO
SUBJECT: CTI INVESTIGATION INTO ILLEGAL DAS SURVEILLANCE

REF: A. 09BOGOTA569
¶B. 09BOGOTA1618

Classified By: Political Counselor John S. Creamer
Reasons 1.4 (b and d)

SUMMARY

¶1. (C) A preliminary Prosecutor General Office (Fiscalia) report confirms media claims of extensive spying on human rights groups, journalists, and opposition leaders by the Department of Administrative Security (DAS). Investigators found evidence that the DAS--probably illegally--set up a secret unit in 2004-05 dedicated to spying on domestic opponents. Surveillance included physical monitoring of individuals and their families (including minor children), phone and email intercepts, and collection of sensitive financial data. The unit appears to have also taken active measures to disrupt opposition events and intimidate human rights activists. Investigators found evidence that the DAS surveilled members of the Supreme Court and other high courts, but have not uncovered clear proof that the magistrates' calls were intercepted. Journalists and human rights activists claim the surveillance continues. End Summary

TYPES OF CRIMES

¶2. (C) The introduction of the 228 page document notes the investigation resulted from "Semana" magazine's February 21 and 28 reports, which alleged the DAS had illegally spied on a wide range of the GOC's domestic political opponents, including Supreme Court magistrates, human rights activists, and journalists (ref A). In response, investigators from the CTI, the Fiscalia's investigative unit, searched the DAS's electronic monitoring facilities. The report notes that the documents it evaluates were discovered during a March 20-25 search of the DAS archives. Copies were then taken to Fiscalia headquarters for review. The report says the Fiscalia is investigating possible criminal charges such as misuse of public funds, violation of privacy rights and illegal surveillance, and providing false information to (or concealing information from) the Fiscalia to justify otherwise illegal surveillance. We obtained the Fiscalia report from the local UN High Commission on Human Rights office.

EXISTENCE OF DOMESTIC SPYING UNIT CONFIRMED

¶3. (C) CTI investigators confirmed claims in "Semana" that

the DAS had set up a secret unit dedicated to spying on groups and individuals considered a threat to the GOC. Originally known as the "G-3" group, the unit was set up to conduct "political warfare" against opposition figures and GOC officials whom DAS leaders considered "soft" in the GOC's fight against the FARC. The CTI investigators found the G-3 existed and operated between 2004-2005, that its creation was illegal, and that its targets were human rights activists, journalists, and opposition politicians. The report notes it is unclear if proper judicial orders existed for much of the surveillance. The G-3 was disbanded in late 2005 after a domestic spying scandal, but the DAS continued domestic intelligence activities through the "National and International Group for Observation and Verification" (GONI) set up in 2006.

¶4. (C) CTI investigators found an October 22, 2005, G-3 memo entitled "Surveillance of Organizations and Groups That Oppose Government Policies, With the Goal of Restricting or Neutralizing Their Actions." The memo identifies human rights groups such as the Corporacion Colectivo de Abogados Jose Alvear Restrepo (CCAJAR), Redepaz, Justicia y Paz, and the Colombian Commission of Jurists (CCJ). It also mentions journalists Hollman Morris and Dick Emanuelson, and British activist Lian Craig Best. Former DAS deputy intelligence chief Alberto Arzayus told leading daily "El Espectador" on June 21 that Uribe had become convinced many human rights groups had been infiltrated by insurgents and had asked the DAS to check them out. He also noted that in the absence of a legal framework for intelligence, all of the surveillance of human rights activists could be considered illegal.

¶5. (C) The memo details procedures to track targets, beginning with the need to use public and private databases to develop information. It outlines how to create curriculum vitae (hojas de vida) using photos, group memberships, fingerprint cards, property records, financial data, and ideological orientation. It says the unit's goal is to create evidence that will be useful in building judicial cases or conducting intelligence activities against the targets. The CTI report notes that the DAS appears to have also developed a strategy of "offensive intelligence" aimed at disrupting opposition groups' activities.

DAS TARGETED ACTIVISTS, JOURNALISTS, POLITICIANS

¶6. (C) The DAS was particularly interested in the CCAJAR. CTI investigators found numerous records, including lists of CCAJAR-linked phone numbers, records of attempts to link phone numbers with CCAJAR members, as well as documents indicating physical and electronic surveillance of CCAJAR head Alirio Uribe Munoz and members of his family--including his minor children. Also in the CCAJAR files were Uribe Munoz's financial records, photos of his apartment building, copies of keys to his house, and pictures of his children's schools. The DAS surveillance also noted contacts with opposition politicians such as Polo Senators Wilson Borja and Piedad Cordoba. The CTI report says it remains unclear if the judicial orders to investigate CCAJAR legally justified all of the surveillance conducted.

¶7. (C) Uribe Munoz told us on June 12 that he had seen some of the evidence, including the keys. He said the DAS had collected against CCAJAR and other human rights groups using "apparently legal means (but) for illegal purposes." Uribe Munoz said DAS obtained legal warrants associating the groups with unrelated criminal investigations. After the surveillance was conducted, he alleged, DAS records simply noted that "no useful information" was found related to the original crime. At that point, the DAS would continue surveillance on the target. The CTI report suggests that the DAS followed the pattern described by Uribe Munoz.

¶8. (C) CTI investigators also found evidence DAS had collected phone numbers of human rights groups CODHES and Redepaz, and are crosschecking the numbers with records from DAS monitoring facilities to see if any of the numbers were intercepted. The records suggest DAS intercepted some of Redepaz's emails, conducted physical surveillance of CCJ

president Gustavo Gallon and other CCJ members, and spied on MINGA president Gloria Florez. CTI also found documents suggesting DAS interfered with a "Peace Week" event in Bogota with which Redepaz was associated. In a June 12 meeting with human rights activists, CCJ's Luz Martina Monzon told us she had received a bloody doll at her residence, which she believes came from the DAS. Other activists described anonymous threats they believe came from intelligence sources. All claimed DAS surveillance continues now--a charge we have also heard from local journalists.

¶19. (C) The records also indicate the G3 compiled and collected--based on open-source reporting and human sources--files on many opposition figures, including politicians such as Gustavo Petro, Piedad Cordoba, Wilson Borja, Carlos Gaviria, Antonio Navarro Wolf, and Horacio Serpa, and journalists such as Morris and Carlos Lozano. These include curriculum vitae as well as addresses, phone numbers, financial information, and fingerprint cards. CTI investigators also found evidence of annexes to the files that gave information on these targets' movements collected from their GOC security details.

¶110. (C) The investigators conclude that most of the surveillance appears to have been conducted within legal bounds. They cite as an exception the investigation into Carlos Lozano, whose surveillance may have gone further than was authorized, and refer the case to the Fiscalia for possible prosecution. Former DAS deputy intelligence chief Fernando Tabares, who resigned in the wake of the "Semana" articles, told the CTI the surveillance had been ordered by former Political and Social Intelligence Coordinator Jaime Ovalle. Tabares said the orders meant DAS would compile information based on its own databases and open-source information and that they did not imply any surveillance or intercepts had been ordered. Tabares said such intrusive collection would require orders from the DAS director and a judicial order.

SUPREME COURT

¶111. (C) The investigators also found evidence backing claims in "Semana" that the DAS had surveilled members of the Supreme Court and other high courts, but they have still not found clear proof that the magistrates' telephone calls had been intercepted. In the desk of DAS counterintelligence official Fabian Eliecer Gaitan, investigators found lists of judges with notes on their political positions, perceived friendliness to the Uribe administration, views on Uribe's 2006 re-election, and any alleged links to suspicious individuals. Former GONI head German Albeiro Ospina Arango told the investigators GONI had used DAS databases and human intelligence to compile these records.

¶112. (C) Investigators pressed Ospina on the "Semana" claims that magistrates' calls had been intercepted, but Ospina denied knowing anything beyond the article's assertions. Asked about the notes in Gaitan's desk, Ospina said the investigation into links between Ascenso Reyes, Giorgio Sale, and Supreme Court Magistrate Yesid Ramirez indicated a possible penetration of the Court that required further investigation. Still, he denied it was a mission against the Court as an institution. Ospina said the order for the investigation came from former DAS deputy counterintelligence chief Jorge Lagos, who--as usual--gave it verbally.

¶113. (C) The report also outlines DAS activities on Reyes, Sales, and the Supreme Court. The investigators found no evidence the investigation was at any point under the control of the Fiscalia, as required by law. It appears to have started with an anonymous tip citing press stories that Reyes and Sales had met with several magistrates, including former Supreme Court president Isaac Nader, and a 2006 banquet Reyes sponsored in Huila celebrating Ramirez's election as Court president. Many of Reyes's businesses and family members (which are frequently intermingled) appear to have been investigated, which included sensitive financial documents provided by the UIAF, the GOC's financial intelligence unit.

It is unclear if the magistrates and their families were subjected to the same scrutiny. The report suggests that UIAF head Mario Aranguren gave financial intelligence on some magistrates to the DAS's GONI without being asked.

¶14. (C) More potentially explosive, CTI investigators note that many of the telephone numbers listed as having been intercepted as part of the probe appear to have been altered to make them conform to judicial orders, suggesting the DAS may have tapped unauthorized numbers. The investigators recommend examining the physical records of the monitoring facilities and crosschecking them against the phone numbers of magistrates and their families. Several of the officials whose signatures appear on the apparently altered documents claim to have been on vacation on the dates their signatures appear. Others say they do not recall signing them.

POLYGRAPH PROBLEMS

¶15. (C) CTI investigators described evidence showing that the results of over 300 polygraph examinations of DAS officials--including former CI chief Lagos--may have been either altered or classified as "passing" without justification. The investigators examined the results of 303 individuals who had passed the polygraph after initially failing, or vice versa. They found a pattern in which some officials who failed to pass were referred to outside contractors for follow-up tests. The outsiders, apparently linked to friends of high-ranking DAS officials, would subsequently report that the individuals had passed the examinations, but the reports provided no evidence in terms of polygraph charts, nor were they signed by certified polygraphers. In other cases, the report alleges, officials' tests may have been marked as "passing" when the test results were more dubious. "Semana" has alleged that Lagos manipulated the tests to enhance his power within the institution.

Brownfield